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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/706,885  | 11/12/2003  | Takao Kuromiya       | MAT-8482US          | 7373             |
| 23122   | 7590        | 09/30/2004           | EXAMINER            |                  |
| RATNERPRESTIA<br>P O BOX 980<br>VALLEY FORGE, PA 19482-0980 |             |                      | Koch, George R      |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 1734                 |                     |                  |

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/706,885             | KUROMIYA, TAKAO     |
| Examiner                     | Art Unit               |                     |
| George R. Koch III           | 1734                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) 8,9 and 11 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7 and 10 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/2003.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-7 and 10 in the reply filed on 9/17/2004 is acknowledged.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference numbers 21 and 22 in Figure 3 are not mentioned in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP4-363167.

JP4-363167 discloses an extrusion type nozzle comprising a block (items 1A) having a manifold for distributing liquid along a coating width (see Figure 1 for the width), a slit (defined as the gap between items 1A on one side and 1A and 1B on the other) for allowing the liquid distribute in the manifold to pass therethrough, and a discharge outlet (item 3) for discharging the liquid from the slit, the slit including a first portion and a second portion provided closer to said discharge outlet than the first portion (both slits are visible in Figure 4), and a first forming member (item 1B) for forming a wall of the first portion of the slit, the first forming member being displaceable to change a gap of the first portion of the slit.

As to claim 3, the forming member of JP4-363167 is capable of having a length in a direction of discharging the liquid change along the coating width.

As to claim 4, JP4-363137 discloses a displacing mechanism (items 5) which is capable of tilting the first forming member along the coating width.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulcej (US Patent 6,206,680 B1).

Ulcej discloses, in the prior art section, an extrusion type nozzle comprising a block (items 12B and 12) having a manifold for distributing liquid along a coating width (the portion of the gap between the blocks "above" members 22 and 24, relative to the outlet), a slit (defined as the gap between items 12 on one side and 12B on the other) for allowing the liquid distribute in the manifold to pass therethrough, and a discharge outlet (visible in Figure 1) for discharging the liquid from the slit, the slit including a first portion and a second portion provided closer to said discharge outlet than the first portion (both slits are visible in Figure 1, especially the thicker slit which is at the location of 35), and a first forming member (item 22) for forming a wall of the first portion of the slit, the first forming member being displaceable to change a gap of the first portion of the slit.

As to claim 2, the forming member of Ulcej (item 22) is moveable, and thus exchangeable.

As to claim 3, the forming member of Ulcej is capable of having a length in a direction of discharging the liquid change along the coating width.

As to claim 4, Ulcej discloses a displacing mechanism (items 32) which is capable of tilting the first forming member along the coating width.

As to claim 5, Ulcej discloses a that the slit further includes a third portion (the upper portion relative to the outlet) closer to the manifold than the first portion, the nozzle further comprising a second forming member (item 24) for forming a a wall of the third portion of the slit. This second forming member is moveable, and thus exchangeable.

As to claim 6, Ulcej discloses a second forming member (item 24) which forms a wall of the manifold, the second forming member capable of being displaceable to change an area of a cross section of the manifold perpendicular to the coating width.

As to claim 7, Ulcej discloses a second displacing mechanism (the second item 32) which is capable of tilting the second forming member along the coating width.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamikihara (US Patent 6,344,088) in view of Ulcej (US 6,206,680).

Kamikihara discloses a coating apparatus comprising an extrusion type nozzle (item 18, Figure 21) with forming members (item 16 and attached structures), a measuring unit (item 38) for measuring the thickness, and a controller for controlling the

amount of displacement of a moving member (item 16) according to the measured value (item 36, and see columns 13-15).

Kamikihara discloses that the extrusion type nozzle uses a moving member to merely adjusts the outlet and does not use a nozzle with a forming member to change the cross section of the manifold.

Ulcej discloses, in the prior art section, an extrusion type nozzle comprising a block (items 12B and 12) having a manifold for distributing liquid along a coating width (the portion of the gap between the blocks "above" members 22 and 24, relative to the outlet), a slit (defined as the gap between items 12 on one side and 12B on the other) for allowing the liquid distribute in the manifold to pass therethrough, and a discharge outlet (visible in Figure 1) for discharging the liquid from the slit, the slit including a first portion and a second portion provided closer to said discharge outlet than the first portion (both slits are visible in Figure 1, especially the thicker slit which is at the location of 35), and a first forming member (item 22) for forming a wall of the first portion of the slit, the first forming member being displaceable to change a gap of the first portion of the slit. Ulcej discloses that the forming members are necessary to influence the flow to obtain a product at the die exit having desirable qualities (see column 1, lines 13-16). Therefore, it would have been obvious to one of ordinary skill in the art to have utilized forming members as in Ulcej's prior art section in order to influence the flow to obtain a product at the die exit having desirable qualities.

***Allowable Subject Matter***

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record (see the rejection of claim 10 above) does suggest a coating apparatus with an extrusion type nozzles nozzle, the nozzle including a block, a manifold, and a discharge outlet, and a forming member, along with measuring units for measuring thickness and a controller for controlling an amount of displacement of the forming member of the extrusion type nozzle according to the thickness

However, the prior art does not suggest that the measuring unit measure either weight or density and that the controller controls the amount of displacement based on either weight or density.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III  
Patent Examiner  
Art Unit 1734

GRK  
9/26/2004